

Application Serial No: 10/553,616

Responsive to the Office Action mailed on: March 27, 2008

**IN THE DRAWINGS**

The drawings are amended to correct informalities. Particularly, Replacement Sheets of Figures 14-16 are submitted herewith so as to be designated as prior art. No new matter is added.

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### **REMARKS**

This Amendment is in response to the Office Action mailed on March 27, 2008. No new matter is added. Claims 3, 4 and 8 are currently amended. Claim 3 is amended editorially and is supported, for example, in the specification on page 21, lines 3-24 and page 22, line 4-page 24, line 27 and Figures 7-9. Claim 4 is amended to track claim 3. Claim 8 is amended editorially to include features of claim 1. Claims 1, 2, 9 and 11-17 are cancelled without prejudice or disclaimer. Claims 3, 4, 8, 10 and 18 are pending with claims 5-7 being withdrawn.

#### **Drawing Objections:**

Figures 14-16 are objected to for not being designated as prior art. Replacement Sheets of Figures 14-16 are submitted herewith so as to be designated as prior art. Withdrawal of this objection is requested.

#### **Specification Objections:**

The title is objected to for not being descriptive. The title is amended to be more descriptive. Withdrawal of this objection is requested.

#### **§102 Rejections:**

Claims 1 and 4 are rejected as being anticipated by Takeya (US Patent No. 6,240,054). Claim 1 is cancelled without prejudice or disclaimer. Claim 4 is amended to depend from claim 3. Accordingly, this rejection is now moot. Applicants do not concede the correctness of this rejection.

#### **§103 Rejections:**

Claims 1 and 3 are rejected as being unpatentable over Inoue (US Patent No. 5,901,122) in view of Izumi (US Patent No. 5,859,824). This rejection is traversed.

Claim 3 is directed to an optical disk control device that requires, among other features, a phase relationship detecting means that detects the phase relationship between a focus error signal and the reflected light quantity signal, and an information surface discriminating means that detects a target surface from a plurality of information surfaces

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of an information carrier based upon the phase relationship output from the phase relationship detecting means.

The combination of Inoue and Izumi does not teach or suggest these features. Inoue is directed to a focus drive circuit that performs a focus search operation in accordance with three positional conditions (see Figures 5A-5C). When a focal point passes through the recording surface of a disk, Inoue teaches a focus pulling-in action is performed by moving the objective lens in the direction away from the disk without first bringing the objective lens closer to the disk (see column 7, lines 48-54). However, nowhere does Inoue teach or suggest a phase relationship detecting means that detects the phase relationship between a focus error signal and the reflected light quantity signal, and an information surface discriminating means that detects a target surface, as required by claim 3. These features allow the focus pulling-in action to be performed by moving the objective lens towards the disk, detecting the desired information surface (i.e. target surface) with the information surface discriminating means, and then pulling the objective lens away from the disk.

Izumi does not overcome these deficiencies of Inoue. Izumi is directed to a digital disk player that performs a focus search by moving the objective lens up and down over a predetermined time  $A$  and identifies whether the disk is a single layer disk or a dual layer disk based on the number of  $S$  curves detected (see Abstract). Nowhere does Izumi teach or suggest a phase relationship detecting means that detects the phase relationship between a focus error signal and the reflected light quantity signal, and an information surface discriminating means that detects a target surface, as required by claim 3. For at least these reasons claim 3 is not suggested by Inoue and Izumi and should be allowed.

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Conclusion:

Applicants respectfully assert that claims 3, 4, 8, 10 and 18 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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